

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 14, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SHAWN C.,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

No: 1:20-CV-03189-FVS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 19. The Plaintiff is represented by Attorney D. James Tree. The Defendant is represented by Special

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND ~ 1

1 Assistant United States Attorney Michael J. Mullen.

2 After consideration, **IT IS HEREBY ORDERED** that the Stipulated
3 Motion for Remand, ECF No. 19, is **GRANTED**. The Commissioner's final
4 decision is reversed and remanded for further proceedings pursuant to sentence
5 four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security,
6 the Appeals Counsel should remand this case to the Administrative Law Judge
7 (ALJ). On remand, the ALJ shall do the following: (1) further evaluate the
8 medical opinions; (2) further evaluate Plaintiff's residual functional capacity; (3)
9 offer Plaintiff the opportunity for a hearing; and (4) issue a new decision.

10 The parties stipulate that this case be reversed and remanded to the ALJ on
11 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
12 matter is remanded to the Commissioner for additional proceedings pursuant to
13 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will
14 consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. §
15 2412(d).

16 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
17 Judgment, **ECF No. 12**, is **DENIED** as moot, given the parties' motion for
18 remand.

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